

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERALD WAITES, in his capacity as)
Guardian of Eva Robinson, an)
Incapacitated Person, and EVA)
ROBINSON,)

Plaintiffs,)

vs.)

LIFE CARE CENTERS OF AMERICA, and)
DOES 1-10,)

Defendants.)

CASE NO. 8:04CV562

ORDER OF DISMISSAL

This matter is before the Court on the Plaintiff's request for dismissal as discussed during the hearing before Magistrate Judge F.A. Gossett on August 4, 2005, and as evidenced by the request for dismissal at Filing No. 45. The Defendant has not objected to the dismissal. Accordingly,

IT IS ORDERED:

- 1) The Plaintiff's motion to dismiss (Filing No. 45) is granted;
- 2) The Amended Complaint and all claims in this action are dismissed without prejudice; and
- 3) Each party shall pay its own costs and attorney's fee unless otherwise agreed by and between them.

DATED this 19th day of August, 2005.

BY THE COURT

s/Laurie Smith Camp
United States District Judge